

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>KERRY L. SWITZER, JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Case No. 1:22-cv-188</b>
<b>v.</b>	)	
	)	
<b>THE UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM ORDER**

In this *pro se* civil action, Plaintiff Kerry L. Switzer, Jr. has sued the United States of America for alleged wrongdoing in connection with his “stolen mail.” ECF No. 15 at 4.<sup>1</sup> The government has moved to dismiss Plaintiff’s claims pursuant to both Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

The matter has been referred to United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72. On July 6, 2023, Judge Lanzillo issued a Report and Recommendation (“R&R”) in which he concluded that Plaintiff’s complaint should be dismissed for failure to prosecute, for lack of subject matter jurisdiction and/or for failure to state a claim upon which relief could be granted. ECF No. 41.

Objections to the R&R were due on or before July 24, 2023. To date, no objections have been received.

Accordingly, after *de novo* review of the documents in the case, including the complaint, Defendant’s motion to dismiss, Plaintiff’s additional filings, and the Magistrate Judge’s R&R,

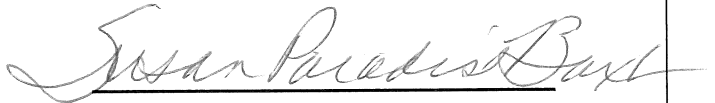
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<sup>1</sup> Plaintiff originally sued the United States Postal Service, but the Court later granted a motion to substitute the United States of America as the proper Defendant.

IT IS ORDERED, this 14th day of August, 2023, that the Defendant's motion to dismiss the complaint, ECF No. [36], is GRANTED. Accordingly, Plaintiff's complaint shall be, and hereby is, DISMISSED without leave to further amend Plaintiff's claims.

IT IS FURTHER ORDERED that the Report and Recommendation issued by United States Magistrate Judge Richard Lanzillo on July 6, 2023, ECF No. [41], is hereby adopted as the opinion of this Court.

As there are no additional matters pending before the Court in the above-captioned case, the Clerk is directed to mark this civil action "CLOSED."

A handwritten signature in cursive script, reading "Susan Paradise Baxter", written in dark ink. The signature is fluid and extends slightly to the right.

SUSAN PARADISE BAXTER  
United States District Judge